

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MALIK ATTIBA WHITE,

Defendant.

Case No. [05-cr-00570-MHP-1](#) (JSC)

DETENTION ORDER

On May 1, 2006, Defendant White was sentenced to 120 months imprisonment and five years of supervised release. A Form 12 charging Mr. White with violating the terms of his supervised release was filed on January 5, 2015 and on that same date a no bail arrest warrant was issued for Mr. White. Mr. White made an initial appearance before the Court on the January 5, 2015 Form 12 on January 22, 2015. At that appearance the Government moved for detention, and Defendant opposed.

The standards of release set forth in 18 U.S.C. § 3143 govern release pending a supervised release revocation hearing. *United States v. Loya*, 23 F.3d 1529 (9th Cir. 1994). Under that standard, the defendant bears the burden of establishing by clear and convincing evidence that he is not a danger or a flight risk. While the Court does not find that Mr. White is a flight risk given his full-time job, as explained at oral argument the charges here create the danger. The current Form 12 alleges that on December 2, 2014 Mr. White was involved in a collision and when officers responded Mr. White resisted arrest. The report also suggests that Mr. White may have been consuming alcohol and suspected rock cocaine was found in the car. Mr. White was charged in state court with several state offenses, including driving under the influence of alcohol. Only two weeks later he was arrest in a different municipality for evading police and driving under the

influence of alcohol. Thus, the Court finds by clear and convincing evidence that Mr. White poses a danger and thus should be detained pending his supervised release revocation hearing.

IT IS ORDERED THAT:

1. Defendant White be, and hereby is, committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal.

2. Defendant White be afforded reasonable opportunity for private consultation with counsel; and

3. On order of a court of the United States or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined shall deliver defendant to an authorized United States marshal for the purpose of any appearance in connection with a court proceeding.

IT IS SO ORDERED.

Dated: January 23, 2015


JACQUELINE SCOTT CORLEY
United States Magistrate Judge